

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**TERRI PECHNER-JAMES and SONIA  
FERNANDEZ,**  
Plaintiffs,

v.

C.A. No. 03-12499-MLW

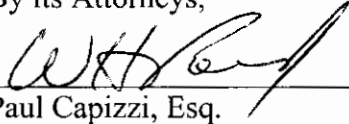
**CITY OF REVERE, THOMAS AMBROSINO,  
MAYOR, CITY OF REVERE POLICE  
DEPARTMENT, TERRENCE REARDON,  
CHIEF OF POLICE, BERNARD FOSTER,  
SALVATORE SANTORO, ROY COLANNINO,  
FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO, MICHAEL  
MURPHY and STEVEN FORD,**  
Defendants,

**DEFENDANT, CITY OF REVERE'S,  
CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

On August 11, 2005, Defendants' Counsel, Assistant City Solicitor Walter H. Porr, Jr., sent a letter to Plaintiffs' Counsel, James Dilday, regarding Defendant's intended Motion to Strike Plaintiff's Supplemental Memorandum in Support of Rooker-Feldman Doctrine. A true and accurate copy of said letter is attached hereto as Exhibit "A". The purpose of this letter was to attempt to narrow or resolve sufficient issues to be presented by the instant motion to strike said Memorandum. Plaintiffs' Counsel did not reply to this letter and thus, this attempt has failed. Having attempted to narrow and resolve the issues presented by the above-referenced motion without success, said Defendant now files said motion and this certificate of compliance pursuant to local rule 7.1(a)(2).

For the Defendant, **CITY OF REVERE,**

By its Attorneys,

  
\_\_\_\_\_  
Paul Capizzi, Esq.

City Solicitor

BBO#: 646296

pcapizzi@rvere.org

Walter H. Porr, Jr., Esq.

Assistant City Solicitor

BBO#: 659462

wporr@revere.org

City Hall, 281 Broadway

Revere, MA 02151

781-286-8166

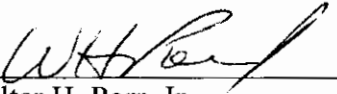
Dated: August 16, 2005.

### **CERTIFICATE OF SERVICE**

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere, City of Revere Police Department, Mayor Thomas Ambrosino and Police Chief Terence Reardon, hereby certify that I have, this day forwarded a copy of the foregoing Certificate of Compliance, to all parties herein by mailing same, this date, via first class mail, postage prepaid to:

James S. Dilday, Esq.  
27 School Street, Suite 400  
Boston, MA 02108  
Attorney for the Plaintiffs

Michael J. Akerson, Esq.  
Reardon, Joyce and Akerson, P.C.  
397 Grove Street  
Worcester, MA 01605  
Attorneys for Defendants  
Bernard Foster, Salvatore Santoro,  
Roy Colannino, Frederick Roland,  
Thomas Doherty, John Nelson,  
James Russo, Michael Murphy,  
and Steven Ford

  
\_\_\_\_\_  
Walter H. Porr, Jr.,

Dated: August 16, 2005

THE CITY OF REVERE, MASSACHUSETTS

281 Broadway  
Revere, MA 02151



Thomas G. Ambrosino  
Mayor

OFFICE OF THE CITY SOLICITOR

Paul Capizzi  
Walter H. Porr, Jr.  
(781) 286-8166  
(781) 286-8205 (FAX)

August 11, 2005

James S. Dilday, Esq.  
Grayer & Dilday, LLP  
27 School Street, Suite 400  
Boston, MA 02108

Re: Pechner-James, et al., v. City of Revere, et al.  
USDC MA Case No. 03-12499-MLW


Dear Mr. Dilday:

Today I received your "Supplemental Memorandum in Support of Rooker-Feldman Doctrine." This pleading is obviously in the nature of a reply brief which is controlled by Local Rule 7.1(B)(3) which states that "ALL other papers not filed as indicated in subsections (B)(1) and (2), whether in the form of a reply or otherwise, may be submitted only with leave of court." Emphasis added. You have obviously not obtained leave of court to file this pleading. Thus, I am hereby demanding that you immediately withdraw this pleading. In the absence of such action, I will file a motion to strike the same as unauthorized.

This letter shall serve as my effort to meet and confer to narrow or resolve the issues as required by Local Rule 7.1(a)(2).

Thank you for your attention to this matter. I await your reply. Should you have any questions, please do not hesitate to contact me.

Sincerely,

  
Walter H. Porr, Jr.  
Assistant City Solicitor

Cc: Michael J. Akerson, Esq.

EXHIBIT "A"